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EXAMINER	
SHERR, CRISTINA O	

ART UNIT	PAPER NUMBER
3621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/814,014	BROWN ET AL.	
	Examiner	Art Unit	
	Cristina Owen Sherr	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *04 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-68* is/are pending in the application.

4a) Of the above claim(s) *40 and 41* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39 and 42-68* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the amendment filed October 4, 2004. Claims 19, 24, 57 and 64 have been amended. Claims 40-42 have been canceled. Claims 1-39 and 43-68 remain pending in this case.

Response to Arguments

2. Applicant's arguments filed October 4, 2004 have been fully considered but they are not persuasive.

3. Applicant argues with respect to claims 1, 19, 34, 49, 57 and 64, that Odom fails to teach the determining of a credit relationship between a metal buyer and a metal seller. Attention is directed to col 5 ln 25-45. Applicant further argues with respect to claims 1, 19, 49 and 57, that Odom fails to teach the transmitting of a metal exchange web page to a metal buyer. Attention is directed to col 5 ln 30-38.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-10, 19-20, 23, 26, 49-53, 57 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Odom et al (US 6,058,379A).

6. Regarding claim 1 –

Odom discloses a method of exchanging metals comprising the steps of: receiving a first user name and a first password from a metal seller; verifying the first user name and the first password against a database of authorized users; receiving metal identification information from the metal seller, the metal identification information including a metal type, a metal weight, and a price; receiving a second user name and a second password from a metal buyer; verifying the second user name and the second password against the database of authorized users; determining if a preexisting credit relationship exists between the metal buyer and the metal seller; and transmitting a metals exchange web page to the metal buyer, the metals exchange web page including the metal identification information and an icon if a preexisting credit relationship exists between the metal buyer and the metal seller (e.g. col 5 ln 25-45).

7. Regarding claim 2 –

Odom discloses a method of exchanging metals as defined in claim 1, wherein the step of transmitting a metals exchange web page to the metal buyer comprises the step of transmitting a positive icon if a preexisting credit relationship exists between the metal buyer and the metal seller (e.g. col 5 ln 10-25).

8. Regarding claim 3 –

Odom discloses a method of exchanging metals as defined in claim 1, wherein the step of transmitting a metals exchange web page to the metal buyer comprises the step of transmitting a negative icon if a preexisting credit relationship does not exist between the metal buyer and the metal seller (e.g. col 5 ln 10-25).

9. Regarding claim 4 –

Odom discloses a method of exchanging metals as defined in claim 1, determining if a bilateral credit relationship exists between the metal buyer and the metal seller (e.g. col 5 ln 303-8).

10. Regarding claim 5 –

Odom discloses a method of exchanging metals as defined in claim 1, wherein the step of transmitting a metals exchange web page to the metal buyer comprises the step of making the metal seller anonymous to the metal buyer (e.g. col 5 ln 1-5).

11. Regarding claim 6 –

Odom discloses a method of exchanging metals as defined in claim 1, further comprising the step of receiving credit relationship information from the metal seller, the credit relationship information identifying a metal buyer and a credit threshold (e.g. col 5 ln 25-25).

12. Regarding claim 7 –

Odom discloses a method of exchanging metals as defined in claim 6, further comprising the steps of: maintaining a current credit balance between the metal buyer and metal seller, and determining if processing a purchase associated with the metal identification information by the metal buyer would exceed the credit threshold of the preexisting credit relationship between the metal buyer and the metal seller (e.g. col 6 ln 20-45).

13. Regarding claim 8 –

Odom discloses a method of exchanging metals as defined in claim 7, wherein the step of transmitting a metals exchange web page to the metal buyer comprises the step of making the metal seller anonymous to the metal buyer (e.g. col 6 ln 20-45).

14. Regarding claim 9 –

Odom discloses a method of exchanging metals as defined in claim 1, further comprising the steps of receiving a metal chemistry composition from the metal seller and transmitting the metal chemistry composition to the metal buyer (e.g. col 5 ln 25-45).

15. Regarding claim 10 –

Odom discloses a method of exchanging metals as defined in claim 1, further comprising the step of transmitting metal exchange transaction information to a plurality of registered users to provide price transparency, the metal exchange transaction information including a plurality of metal lot records, each metal lot record including a lot type, a lot quantity, a lot price, and an exchange date (e.g. col 6 ln 20-45).

16. Regarding claim 19 –

Odom discloses a method of exchanging metals comprising the steps of: receiving a first user name and a first password from a metal seller, verifying the first user name and the first password against a database of authorized users; receiving metal identification information from the first user, the metal identification information including a metal type, a metal weight, a price, and a metal chemistry composition, receiving a second user name and a second password from a metal buyer; determining if a preexisting credit relationship exists between the metal buyer and the metal seller;

verifying the second user name and the second password against the database of authorized users; and transmitting a metals exchange web page to the metal buyer, the metals exchange web page including the metal type, the metal weight, the price. and a hyperlink to a composition web page, the composition web page including the metal chemistry composition (e.g. col 5 ln 25-45).

17. Regarding claim 20 –

Odom discloses a method of exchanging metals as defined in claim 19, further comprising the steps of receiving a request for the composition web page from the metal buyer and transmitting the metal chemistry composition to the metal buyer (e.g. col 5 ln 10-25).

18. Regarding claim 23 –

Odom discloses a method of exchanging metals wherein the step of transmitting the metal chemistry composition to the metal buyer comprises the step of transmitting a range for each of a plurality of elements from the periodic table of elements (e.g. col 5 ln 30-38).

19. Regarding claim 26 –

Odom discloses a method of exchanging metals further comprising the step of transmitting metal exchange transaction information to a plurality of registered users to provide price transparency, the metal exchange transaction information including a plurality of metal lot records, each metal lot record including a lot type, a lot quantity, a lot price, and an exchange date (e.g. col 5 ln 25-45).

20. Regarding claim 49 –

Odom discloses a metals exchange server comprising: a network transmitter; a network receiver, a memory device storing a software program and registered user information, and a processor operatively coupled to the network transmitter, network receiver, and memory device, the processor being structured to execute the software program, the software program being structured to cause the processor to: (i) receive Login information from a metal seller and a metal buyer via the network receiver, (ii) verify the login information matches the registered user information stored in the memory device, (iii) receive metal identification information from the metal seller via the network receiver, the metal identification information including a metal type, a metal weight, and a price; (iv) store the metal identification information in the memory device, (v) determine if a preexisting credit relationship exists between the metal buyer and the metal seller using the registered user information stored in the memory device, and (vi) transmit a metals exchange web page to the metal buyer via the network transmitter, the metals exchange web page including the metal identification information and a positive icon if a preexisting credit relationship exists between the metal buyer and the metal seller, the metals exchange web page including the metal identification information and a negative icon if a preexisting credit relationship does not exist between the metal buyer and the metal seller (e.g. col 5 ln 25-45).

21. Regarding claim 50 –

Odom discloses a metals exchange server as defined in claim 49, wherein the software program is further structured to cause the processor to receive a credit limit associated with the metal buyer from the metal seller via the network receiver (e.g. col 6 ln 20-45).

22. Regarding claim 51 –

Odom discloses a metals exchange server as defined in claim 50, wherein the software program is further structured to cause the processor to maintain a current credit balance between the metal buyer and metal seller and determine if processing a purchase associated with the metal identification information by the metal buyer would exceed the credit limit (e.g. col 6 ln 20-45).

62. Regarding claim 52 –

Odom discloses a metals exchange server as defined in claim 49, wherein the software program is further structured to cause the processor to receive a metal chemistry composition from the metal seller via the network receiver and transmit the metal chemistry composition to the metal buyer via the network transmitter (e.g. col 6 ln 30-40).

24. Regarding claim 53 –

Odom discloses a metals exchange server as defined in claim 49, wherein the software program is further structured to cause the processor to transmit metal exchange transaction information to a plurality of registered users via the network transmitter to provide price transparency, the metal exchange transaction information including a plurality of metal lot records, each metal lot record including a lot type, a lot quantity, a lot price, and an exchange date (e.g. col 6 ln 20-45).

25. Regarding claim 57 –

Odom discloses a metals exchange server comprising: a network transmitter, a network receiver, a memory device storing a software program and registered user information,

and a processor operatively coupled to the network transmitter, network receiver, and memory device, the processor being structured to execute the software program, the software program being structured to cause the processor to: (i) receive Login information from a metal seller and a metal buyer via the network receiver, (ii) verify the Login information matches the registered user information stored in the memory device; (iii) receive metal identification information from the metal seller via the network receiver, the metal identification information including a metal type, a metal weight, a price, and a metal chemistry composition, (iv) store the metal identification information in the memory device, and (v) transmit the metal type, the metal weight, the price, and the metal chemistry composition to the metal buyer via the network transmitter (vi) determine if a preexisting credit relationship exists between the metal buyer and the metal seller using the registered user information stored in the memory device; and (vii) transmit a metals exchange web pace to the metal buyer via the network transmitter, the metals exchange web page including the metal identification information and a positive icon if a preexisting credit relationship exists between the metal buyer and the metal seller. the metals exchange web page including the metal identification information and a negative icon if a preexisting credit relationship does not exist between the metal buyer and the metal seller. (e.g. col 5 ln 25-45).

26. Regarding claim 60 –

Odom discloses a metals exchange server as defined in claim 57, wherein the software program is further structured to cause the processor to transmit metal exchange transaction information to a plurality of registered users via the network transmitter to

provide price transparency, the metal exchange transaction information including a plurality of metal lot records, each metal lot record including a lot type, a lot quantity, a lot price, and an exchange date (e.g. col 6 ln 20-45).

27. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> .(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

28. Claims 34-39, 43-48, 64, 66-68 are rejected under 35 U.S.C. 102(a) as being anticipated by Popolo (US 5,715,402A).

29. Regarding claim 34 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts for metals, the method comprising the steps of: processing a plurality of exchanges of a plurality metals between a plurality of metal buyers and a plurality of metal sellers, providing a weighted average price index based on the plurality of exchanges in compliance with FAS133 requirements for market-based pricing; and facilitating a purchase of a FAS133 compliant derivative contract online including maintaining anonymity of both a buyer associated with the purchase and a seller associated with the purchases transmitting an icon indicative of a preexisting bilateral credit arrangement between the buyer and the sellers and transmitting metal exchange transaction information to a plurality of registered users to provide price transparency the metal exchange transaction information including a plurality of metal lot records each metal lot

record including a lot type, a lot quantity, a lot price, and an exchange date (e.g. col 1 ln 45 – col 2 ln 13).

30. Regarding claim 35 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts as defined in claim 34, further comprising the step of providing real time price adjustments online, the real time price adjustments being based on a chemical composition associated with a particular metal from the plurality metals (e.g. col 6 ln 25-45).

31. Regarding claim 36 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts as defined in claim 34, wherein the step of processing a plurality of exchanges of a plurality metals between a plurality of metal buyers and a plurality of metal sellers comprises the step of processing an exchange of a platinum group metal (e.g. col 6 ln 25-45).

32. Regarding claim 37 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts as defined in claim 34, wherein the step of processing a plurality of exchanges of a plurality metals between a plurality of metal buyers and a plurality of metal sellers comprises the step of receiving a metal chemistry composition from a particular seller in the plurality of metal sellers and transmitting the metal chemistry composition to a particular buyer in the plurality of metal buyers (e.g. col 6 ln 30-40).

33. Regarding claim 38 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts as defined in claim 37, wherein the step of receiving a metal chemistry composition

comprises the step of receiving a percentage of one of silicon, copper, magnesium, nickel, tin, lead, iron, manganese, chromium, zinc, and titanium (e.g. col 5 ln 40 – col 6 ln 10).

34. Regarding claim 39 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts as defined in claim 37, wherein the step of receiving a metal chemistry composition comprises the step of receiving a range for each of a plurality of elements from the periodic table of elements (e.g. col 5 ln 40 – col 6 ln 10).

35. Regarding claim 43 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts further comprising the step of transmitting a hedging web page (e.g. col 1 ln 45 – col 2 ln 13).

36. Regarding claim 44 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts further comprising the step of transmitting a logistics web page (e.g. col 1 ln 45 – col 2 ln 13).

37. Regarding claim 45 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts further comprising the step of performing a portfolio valuation (e.g. col 2 ln 1-10).

38. Regarding claim 46 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts further comprising the step of performing a mark to market determination (e.g. col 3 ln 5-15).

39. Regarding claim 47 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts further comprising the step of providing a payment guarantee (e.g. col 3 ln 60 – col 4 ln 5).

40. Regarding claim 48 –

Popolo discloses a method of exchanging FAS133 compliant derivative contracts as further comprising the step of providing a financing option (e.g. col 4 ln 20-45).

41. Regarding claim 64 –

Popolo discloses a metals exchange server comprising: a network transmitter; a network receiver, a memory device storing a software program; and a processor operatively coupled to the network transmitter, network receiver, and memory device, the processor being structured to execute the software program, the software program being structured to cause the processor to: (i) process a plurality of exchanges of a plurality metals between a plurality of metal buyers and a plurality of metal sellers; (ii) provide a weighted average price index based on the plurality of exchanges in compliance with FAS133 requirements for market-based pricing; (iii) provide real time price adjustments online, the real time price adjustments being based on a chemical composition associated with a particular metal from the plurality metals, and (iv) facilitate a purchase of a FAS133 compliant derivative contract online including maintaining anonymity of both a buyer associated with the purchase and a seller associated with the purchase; (v) transmitting an icon indicative of a preexisting bilateral credit arrangement between the buyer and the seller and (vi) transmitting metal exchange transaction information to a plurality of registered users to provide price transparency. the metal exchange transaction information including a plurality of metal

lot records. each metal lot record including lot type, a lot quantity, a lot price, and an exchange date. (e.g. col 1 ln 45 – col 2 ln 12).

42. Regarding claim 66 –

Popolo discloses a metals exchange server as defined in claim 64, wherein the software program is further structured to cause the processor to transmit an offer to sell at least one of a metals hedging contract and a logistics contract (e.g. col 1 ln 45 – col 2 ln 13).

43. Regarding claim 67 –

Popolo discloses a metals exchange server as defined in claim 64, wherein the software program is further structured to cause the processor to perform at least one of a portfolio valuation and a mark to market determination (e.g. col 3 ln 5-15).

44. Regarding claim 68 –

Popolo discloses a metals exchange server as defined in claim 64, wherein the software program is further structured to cause the processor to transmit at least one of a payment guarantee to the metal seller and a financing option to the metal buyer via the network transmitter (e.g. col 3 ln 60 – col 4 ln 5).

Claim Rejections - 35 USC § 103

45. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

46. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popolo (US 5,715,402A) in view of Odom et al (US 6,058,379A).

47. Regarding claim 11 –

Odom does not disclose, but Popolo does, a method of exchanging metals wherein the step of transmitting a metals exchange web page to the metal buyer comprises the step of transmitting a hyperlink, the hyperlink pointing to a metals hedging web page (e.g. col 1 ln 45 – col 2 ln 13).

48. Regarding claim 12 –

Odom does not disclose, but Popolo does, a method of exchanging metals wherein the step of transmitting a metals exchange web page to the metal buyer comprises the step of transmitting a hyperlink, the hyperlink pointing to a logistics web page (e.g. col 15 ln 40-55).

49. Regarding claim 13 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the step of transmitting a purchase selection for a FAS133 compliant derivative contract (e.g. col 2 ln 1-10).

50. Regarding claim 14 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the step of performing a portfolio valuation (e.g. col 2 ln 1-10).

51. Regarding claim 15 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the step of performing a mark to market determination (e.g. col 3 ln 5-15).

52. Regarding claim 16 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the step of providing a payment guarantee (e.g. col 3 ln 60 – col 4 ln 5).

53. Regarding claim 17 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the step of providing a financing option (e.g. col 4 ln 20-45).

54. Regarding claim 18 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the step of providing a weighted average price index based on the plurality of exchanges (e.g. col 4 ln 35-45).

55. It would be obvious to one of ordinary skill in the art to combine the teachings of Odom and Popolo in order to obtain amore user-friendly method for metals exchange or exchange of other commodities.

56. Claims 22, 24, 25, 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popolo (US 5,715,402A) in view of Odom et al (US 6,058,379A).

57. Regarding claim 21 –

Odom does not disclose, but Popolo does, a method of exchanging metals wherein the step of transmitting the metal chemistry composition to the metal buyer comprises the step of transmitting a percentage of one of silicon, copper, magnesium, nickel, tin, lead, iron, manganese, chromium, zinc, and titanium (e.g. col 1 ln 45 – col 2 ln 13).

58. Regarding claim 22 –

Odom does not disclose, but Popolo does, a method of exchanging metals wherein the step of transmitting the metal chemistry composition to the metal buyer comprises the

step of transmitting a percentage of two of silicon, copper, magnesium, nickel, tin, lead, iron, manganese, chromium, zinc, and titanium (e.g. col 15 ln 40-55).

59. Regarding claim 24 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the steps of receiving a chemistry evaluation matrix from the metal buyer, the chemistry evaluation matrix including a desired discount associated with a particular metal percentage, and transmitting the chemistry evaluation matrix to the metal seller (e.g. col 2 ln 1-10).

60. Regarding claim 25 –

Odom does not disclose, but Popolo does, a method of exchanging metals wherein the step of transmitting a metals exchange web page to the metal buyer comprises the step of making the metal seller anonymous to the metal buyer (e.g. col 2 ln 1-10).

61. Regarding claim 27 –

Odom does not disclose, but Popolo does, a method of exchanging metals wherein the step of transmitting a metals exchange web page to the metal buyer comprises the step of transmitting a hyperlink to a metals hedging web page (e.g. col 15 ln 40-55).

62. Regarding claim 28 –

Odom does not disclose, but Popolo does, a method of exchanging metals wherein the step of transmitting a metals exchange web page to the metal buyer comprises the step of transmitting a hyperlink to a logistics web page (e.g. col 15 ln 40-55).

63. Regarding claim 29 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the step of transmitting a purchase selection for a FAS133 compliant derivative contract (e.g. col 2 ln 1-10).

64. Regarding claim 30 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the step of performing a portfolio valuation (e.g. col 2 ln 1-10).

65. Regarding claim 31 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the step of performing a mark to market determination (e.g. col 3 ln 5-15).

66. Regarding claim 32 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the step of providing a payment guarantee (e.g. col 3 ln 60 – col 4 ln 5).

67. Regarding claim 33 –

Odom does not disclose, but Popolo does, a method of exchanging metals further comprising the step of providing a financing option (e.g. col 4 ln 20-45).

68. It would be obvious to one of ordinary skill in the art to combine the teachings of Odom and Popolo in order to obtain amore user-friendly method for metals exchange or exchange of other commodities.

69. Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popolo (US 5,715,402A) in view of Odom et al (US 6,058,379A).

71. It would be obvious to one of ordinary skill in the art to combine the teachings of Odom and Popolo in order to obtain amore user-friendly method for metals exchange or exchange of other commodities.

72. Claims 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popolo (US 5,715,402A) in view of Odom et al (US 6,058,379A).

73. Regarding claim 54 –

Odom does not disclose, but Popolo does, a metals exchange server wherein the software program is further structured to cause the processor to transmit a hyperlink to web page via the network transmitter, the web page offering to sell at least one of a metals hedging contract, a logistics contract, and a FAS133 compliant derivative contract (e.g. col 1 ln 45 – col 2 ln 13).

74. Regarding claim 55 –

Odom does not disclose, but Popolo does, a metals exchange server wherein the software program is further structured to cause the processor to perform at least one of a portfolio valuation and a mark to market determination (e.g. col 3 ln 5-15).

75. Regarding claim 56 –

Odom does not disclose, but Popolo does, a metals exchange server as defined in claim 49, wherein the software program is further structured to cause the processor to transmit at least one of a payment guarantee to the metal seller and a financing option to the metal buyer via the network transmitter (e.g. col 3 ln 60 – col 4 ln 5).

76. It would be obvious to one of ordinary skill in the art to combine the teachings of Odom and Popolo in order to obtain a more user-friendly method for metals exchange or exchange of other commodities.

77. Claims 58-59, 61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popolo (US 5,715,402A) in view of Odom et al (US 6,058,379A).

78. Regarding claim 58 –

Odom does not disclose, but Popolo does, a metals exchange server wherein the software program is further structured to cause the processor to transmit a percentage of one of silicon, copper. magnesium, nickel, tin, lead, iron, manganese, chromium, zinc, and titanium to the metal buyer via the network transmitter (e.g. col 1 ln 45 – col 2 ln 13).

79. Regarding claim 59 –

Odom does not disclose, but Popolo does, a metals exchange server wherein the software program is further structured to cause the processor to receive a chemistry evaluation matrix from the metal buyer via the network receiver, the chemistry evaluation matrix including a desired discount associated with a particular metal percentage (e.g. col 1 ln 45 – col 2 ln 13).

80. Regarding claim 61 –

Odom does not disclose, but Popolo does, a metals exchange server wherein the software program is further structured to cause the processor to transmit an offer to sell at least one of a metals hedging contract, a logistics contract, and a FAS133 compliant derivative contract (e.g. col 1 ln 45 – col 2 ln 13).

81. Regarding claim 62 –

Odom does not disclose, but Popolo does, a metals exchange server wherein the software program is further structured to cause the processor to perform at least one of a portfolio valuation and a mark to market determination (e.g. col 3 ln 5-15).

82. Regarding claim 63 –

Odom does not disclose, but Popolo does, a metals exchange server wherein the software program is further structured to cause the processor to transmit at least one of a payment guarantee to the metal seller and a financing option to the metal buyer via the network transmitter (e.g. col 3 ln 60 – col 4 ln 5).

83. It would be obvious to one of ordinary skill in the art to combine the teachings of Odom and Popolo in order to obtain a more user-friendly method for metals exchange or exchange of other commodities.

84. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Popolo (US 5,715,402A) in view of Odom et al (US 6,058,379A).

85. Regarding claim 65 –

Popolo does not disclose, but Odom does, a metals exchange server wherein the software program is further structured to cause the processor to transmit metal exchange transaction information to a plurality of registered users to provide price transparency, the metal exchange transaction information including a plurality of metal lot records, each metal lot record including a lot type, a lot quantity, a lot price, and an exchange date (e.g. col 6 ln 20-45).

86. It would be obvious to one of ordinary skill in the art to combine the teachings of Odom and Popolo in order to obtain a more user-friendly method for metals exchange or exchange of other commodities.

87. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

88. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

89. Kovach, Jr. et al (US 6,317,604B1) discloses a centralized database for a wireless location system.

90. Ginter et al (US 6,658,568B1) discloses a trusted infrastructure support system, methods and techniques for secure electronic commerce transaction and rights management.

91. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

92. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

93. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

94. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

95. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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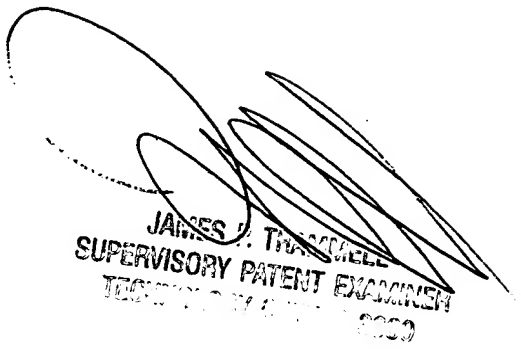
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